

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI

JOHN HENSCHKE AND  
CAROL HENSCHKE

Plaintiffs,

vs.

REPUBLIC SERVICES, INC.,  
Serve:  
CT Corporation System  
2390 E. Camelback Road  
Phoenix, AZ 85016

and

ALLIED SERVICES, LLC., d/b/a Republic  
Services of Bridgeton,  
Serve:  
The Corporation Company  
120 South Central Avenue  
Clayton, MO 63105

and

BRIDGETON LANDFILL, LLC.,  
Serve:  
HOLD

Defendants

Cause No.

Division No.

JURY TRIAL DEMANDED

20

14SL-CG02703

2014 AUG 12

FILED  
CIRCUIT COURT OF  
ST. LOUIS COUNTY  
2014 AUG 12 PM 2:39  
JOAN M. CLEMER  
CIRCUIT CLERK

PETITION FOR DAMAGES - NUISANCE

Come now Plaintiffs, John Henschke and Carol Henschke by and through their attorneys, for their cause of action against Defendants Republic Services, Inc., Allied Services, LLC, d/b/a Republic Services of Bridgeton and Bridgeton Landfill, LLC (collectively "Defendants") state as follows:

1. Defendants collectively own and/or operate approximately fifty-two

(52) acres of land that is/was used as a landfill, located at 13570 St. Charles Rock Rd., Bridgeton, MO 63044 ("Bridgeton Landfill").

2. Plaintiffs are owners and/or occupants of real property located at 3379 Tortosa Drive in Bridgeton, Missouri, and bring this action for damages against Defendants for permanent or temporary nuisance, based on noxious, offensive and putrid odors and other emissions emanating from Defendants' landfill.

3. Plaintiffs have resided at 3379 Tortosa Drive Bridgeton, Missouri 63044 either continuously or for substantial periods from November 1, 2010 until the present.

4. Defendant Republic Services, Inc. is a Delaware Corporation, with its principal place of business in the State Arizona. Defendant Republic Services, Inc. conducts business in the State of Missouri. At all times herein mentioned Defendant Republic Services, Inc. was acting through its agents, servants, and employees, all of whom were acting within the scope and course of their employment with the express knowledge, consent, control and direction of Defendant Republic.

5. Defendant Allied Services, LLC, d/b/a Republic Services of Bridgeton, is a Delaware limited liability company, with its principal place of business in the State of Arizona. Defendant Allied Services, LLC, d/b/a Republic Services of Bridgeton conducts business in the State of Missouri. At all times herein mentioned Defendant Allied Services, LLC, d/b/a Republic Services of Bridgeton was acting through its agents, servants, and employees, all of whom were acting within the scope and course of their employment with the express knowledge, consent, control and direction of Defendant Allied Services, LLC, d/b/a Republic Services of Bridgeton.

6. Defendant Bridgeton Landfill, LLC, is a Delaware limited liability company with its principal place of business in the State of Missouri. At all times herein mentioned Defendant Bridgeton Landfill, LLC, was acting through its agents, servants, and employees, all of whom were acting within the scope and course of their employment with the express knowledge, consent, control and direction of Defendant Bridgeton Landfill, LLC.

7. Defendants have owned and/or operated the Bridgeton Landfill for all times relevant to this Petition, but at least as of November 1, 2010.

8. Upon information and belief Defendant Bridgeton Landfill, LLC is the owner of the Bridgeton Landfill, while Defendants Republic Services, Inc. and Allied Waste Services, LLC, d/b/a Republic Services of Bridgeton, operate the Bridgeton Landfill.

9. Venue is proper pursuant to §508.010 RSMo. in that all events alleged herein occurred in St. Louis County, Missouri.

10. Beginning in late 2010 or early 2011, as a consequence of an underground fire, noxious, offensive and/or putrid odors and other emissions have emanated from the Bridgeton Landfill and reached Plaintiff's property, creating a physically offensive nuisance.

11. On July 23, 2012, MDNR issued a Notice of Violation to the Bridgeton Landfill, LLC, documenting that Bridgeton landfill was being operated in such a manner as to cause, or permit to exist, conditions that resulted in the migration of noxious or offensive odors from its premises.

12. These odors and emissions are substantial, in many cases exceeding the regulatory limits.

13. MDNR determined that Bridgeton Landfill was being operated in a manner that caused a public nuisance in violation of §260.210.1(4) RSMo.

14. On January 31, 2013, the St. Louis County Department of Health conducted a compliance inspection of the Bridgeton Landfill and found odors equal to or exceeding the 7:1 ratio established by 10 C.S.R. 10-61.165.

15. At the residence of the Plaintiffs and surrounding areas, the odors and/or emissions can be detected by human smell.

16. The noxious, offensive, and putrid odors and emissions make being outside at or near Plaintiffs' residence for any period of time very difficult and unpleasant. Consequently, Plaintiffs are unable to enjoy the use of their property outside of their homes.

17. Due to the noxious, offensive and putrid odors and other emissions, Plaintiffs experience annoyance, discomfort, and other physical responses to the odor and emissions.

18. In addition, the noxious, offensive, and putrid odors and other emissions are such that they require Plaintiffs to keep their windows closed, when they otherwise would not.

19. The odors and emissions have denied Plaintiffs the ability to breathe fresh, clean air.

20. For over two years, Defendants have repeatedly failed and refused to remediate the subsurface smoldering event in spite of the daily annoyance and distress of Plaintiffs.

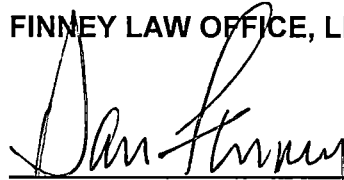
21. Further, a subsurface smoldering event does not ordinarily occur in the absence of negligence.

22. Upon information and belief, Defendants have no reliable estimate as to how much longer the nuisance will continue.

23. Plaintiffs have been injured by Defendants' nuisance as described above. Plaintiffs' injuries include loss of use and enjoyment of the property, annoyance, discomfort, economic loss, including loss of value to their house, and physical ailments.

WHEREFORE, Each Plaintiff respectfully prays that this Court enter judgment in their favor and against Defendants, jointly and severally, and to award compensatory damages in an amount greater than \$25,000.00, plus costs incurred in bringing this suit, and for such other and further relief as this Court deems just and proper.

FINNEY LAW OFFICE, LLC



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Daniel P. Finney, Jr., #26389

Daniel P. Finney, III, #57765

1735 S. Big Bend Blvd.

St. Louis, Missouri 63117

(314) 646-0300 Tel.

(314) 646-0303 Fax.

[dan@finneylawoffice.com](mailto:dan@finneylawoffice.com)

[dan3@finneylawoffice.com](mailto:dan3@finneylawoffice.com)



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: COLLEEN DOLAN	Case Number: 14SL-CC02703
Plaintiff/Petitioner: JOHN HENSCHKE	Plaintiff's/Petitioner's Attorney/Address DANIEL P. FINNEY JR. 1735 SOUTH BIG BEND SAINT LOUIS, MO 63117
Defendant/Respondent: REPUBLIC SERVICES INC	Court Address: ST LOUIS COUNTY COURT BUILDING 7900 CARONDELET AVE CLAYTON, MO 63105
Nature of Suit: CC Other Tort	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: ALLIED SERVICES LLC

Alias:

DBA: REPUBLIC SERVICES OF BRIDGETON

120 SOUTH CENTRAL AVENUE  
CLAYTON, MO 63105

SERVE: THE CORPORATION COMPANY

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

14-AUG-2014

Date

Further Information:

RAB

  
Clerk

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

\_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

## Sheriff's Fees, if applicable

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: COLLEEN DOLAN	Case Number: 14SL-CC02703
Plaintiff/Petitioner: JOHN HENSCHKE	Plaintiff's/Petitioner's Attorney/Address: DANIEL P. FINNEY JR. 1735 SOUTH BIG BEND SAINT LOUIS, MO 63117
Defendant/Respondent: REPUBLIC SERVICES INC	Court Address: ST LOUIS COUNTY COURT BUILDING 7900 CARONDELET AVE CLAYTON, MO 63105
Nature of Suit: CC Other Tort	

(Date File Stamp)

### Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: **REPUBLIC SERVICES INC**

Alias:

2390 CAMELBACK ROAD  
PHOENIX, AZ 85016

SERVE: CT CORPORATION SYSTEM

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

**14-AUG-2014**

Date

Further Information:

RAB

Clerk

#### Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
  - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_, a person of the Defendant's/Respondent's family over the age of 15 years.
  - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - ☐ other (describe) \_\_\_\_\_

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons.  
(use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

## Service Fees, if applicable

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
 Total \$ \_\_\_\_\_

See the following page for directions to clerk and to officer making return on service of summons.

### Directions to Clerk

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

### Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.





## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: COLLEEN DOLAN	Case Number: 14SL-CC02703	SB 9/13
Plaintiff/Petitioner: JOHN HENSCHKE	Plaintiff's/Petitioner's Attorney/Address DANIEL P. FINNEY JR. 1735 SOUTH BIG BEND SAINT LOUIS, MO 63117	
Defendant/Respondent: REPUBLIC SERVICES INC	Court Address: ST LOUIS COUNTY COURT BUILDING 7900 CARONDELET AVE CLAYTON, MO 63105	
Nature of Suit: CC Other Tort		

(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: ALLIED SERVICES LLC

Alias:

DBA: REPUBLIC SERVICES OF BRIDGETON

120 SOUTH CENTRAL AVENUE  
CLAYTON, MO 63105

SERVE: THE CORPORATION COMPANY

30CTCORP

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

14-AUG-2014

Date

Further Information:

RAB

Clerk

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☒ other **LCW - B. LOVE**
Served at **THE CORPORATION CO.**in **St. Louis County** (County/City of St. Louis), MO, on **AUG 19 2014** (date) at **9 AM** (time).**Scott Kiefer**

Printed Name of Sheriff or Server

**Scott Kiefer**

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public

## Sheriff's Fees, if applicable

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Milage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$. \_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

8/15/14

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI

RECEIVED & FILED  
CIRCUIT COURT OF  
ST. LOUIS COUNTY

2014 SEP -4 PM 3:47

JOAN M. GILMER  
CIRCUIT CLERK

JOHN HENSCHKE AND  
CAROL HENSCHKE,

Plaintiffs,

vs.

Cause No. 14SL-CC02703

REPUBLIC SERVICES, INC.,  
and ALLIED SERVICES, LLC., d/b/a  
Republic Services of Bridgeton, and  
BRIDGETON LANDFILL, LLC.,

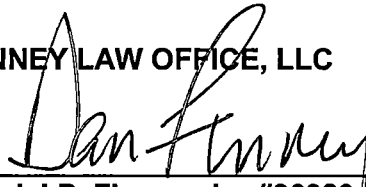
Defendants

Division No. 20

MEMORANDUM TO CLERK

Come now Plaintiffs and file the Maricopa County Sheriff's Affidavit / Return of Service of Plaintiffs' Petition and Summons upon Defendant, Republic Services, Inc.'s Registered Agent: CT Corporation System, 2390 Camelback Road, Phoenix, AZ on August 26, 2014.

FINNEY LAW OFFICE, LLC



Daniel P. Finney, Jr., #26389

Daniel P. Finney, III, #57765

1735 S. Big Bend Blvd.

St. Louis, Missouri 63117

(314) 646-0300 Tel.

(314) 646-0303 Fax.

[dan@finneylawoffice.com](mailto:dan@finneylawoffice.com)

[dan3@finneylawoffice.com](mailto:dan3@finneylawoffice.com)

RECEIVED & FILED  
CIRCUIT COURT OF  
ST. LOUIS COUNTY

## MARICOPA COUNTY SHERIFF'S OFFICE

Civil Process Section  
111 South 3<sup>rd</sup> Avenue  
West Court Building 2<sup>nd</sup> Floor  
Phoenix, Arizona 85003-2292

2014 SEP -4 PM 3:50


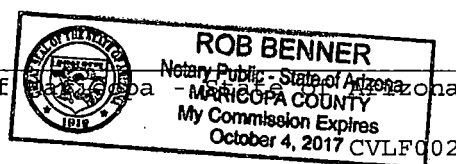
JOAN M. GILMER  
CIRCUIT CLERKJOHN HENSCHKE  
vs.  
REPUBLIC SERVICES INCSTATE OF ARIZONA )  
 ) ss.  
County of Maricopa )Case # 14SLCC02703  
Docket # C296502

L. RIVAS #S0913, BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS:  
 THAT HE IS A CITIZEN OF THE UNITED STATES OVER THE AGE OF 21 YEARS:  
 THAT HE HAS NO INTEREST WHATSOEVER IN THE WITHIN ENTITLED MATTER; THAT  
 HE IS A REGULARLY APPOINTED DEPUTY SHERIFF OF MARICOPA COUNTY, ARIZONA,  
 AND AS SUCH HAS THE POWER TO SERVE CIVIL PROCESSES WITHIN SAID COUNTY;  
 THAT HE SERVED THE WITHIN SUMMONS FOR PERSONAL SERVICE OUTSIDE THE  
 STATE OF MISSOURI (EXCEPT ATTACHMENT ACTION) ON THE 26TH DAY OF AUGUST,  
 2014, ON THE WITHIN NAMED DEFENDANT REPUBLIC SERVICES IN, BY DELIVERING  
 TO GAIL FLOCK, EMPLOYEE OF CT CORPORATION SYSTEM, REGISTERED AGENT  
 AUTHORIZED TO ACCEPT SERVICE FORSAID NAMED DEFENDANT CORPORATION, AT  
 2390 EAST CAMELBACK ROAD, PHOENIX, ARIZONA, AT 10:00 A.M., IN THE  
 COUNTY OF MARICOPA, A COPY OF SAID SUMMONS FOR PERSONAL SERVICE  
 OUTSIDE THE STATE OF MISSOURI (EXCEPT ATTACHMENT ACTION) TO WHICH WAS  
 ATTACHED A TRUE COPY OF THE COMPLAINT PETITION FOR DAMAGES - NUISANCE,  
 NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES MENTIONED THEREIN.

## Fees:

1 service..... \$	16.00	Joseph M. Arpaio
1 miles.....		Maricopa County Sheriff
1 notary.....	8.00	

Total	24.00	By L. RIVAS, #S0913, Deputy Sheriff
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Subscribed and sworn to before me this 27<sup>th</sup> Day of August, 2014
  
 Notary Public in and for the County of Maricopa


B2740





## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: COLLEEN DOLAN	Case Number: 14SL-CC02703
Plaintiff/Petitioner: JOHN HENSCHKE	Plaintiff's/Petitioner's Attorney/Address: DANIEL P. FINNEY JR. 1735 SOUTH BIG BEND SAINT LOUIS, MO 63117
Defendant/Respondent: REPUBLIC SERVICES INC	Court Address: ST LOUIS COUNTY COURT BUILDING 7900 CARONDELET AVE CLAYTON, MO 63105
Nature of Suit: CC Other Tort	

RECEIVED  
CIVIL SECTION  
2014 AUG 22 PM 2:06  
ST. LOUIS COUNTY  
SHERIFF'S OFFICE

(Date File Stamp)

### Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: **REPUBLIC SERVICES INC**

Alias:

2390 CAMELBACK ROAD  
PHOENIX, AZ 85016

SERVE: CT CORPORATION SYSTEM

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

14-AUG-2014

Date

Further Information:

RAB

*John M. Gilmer*  
Clerk

#### Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
  - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_, a person of the Defendant's/Respondent's family over the age of 15 years.
  - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - ☐ other (describe) \_\_\_\_\_

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

#### Service Fees, if applicable

Summons \$ \_\_\_\_\_  
Non Est \$ \_\_\_\_\_  
Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
Total \$ \_\_\_\_\_

See the following page for directions to clerk and to officer making return on service of summons

RECEIVED & FILED  
CIRCUIT COURT OF  
ST. LOUIS COUNTY  
2014 SEP -4 PM 3:50  
JOHN M. GILMER  
CIRCUIT CLERK

[illegible]

### Directions to Clerk

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

### Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.